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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,197	01/31/2001	Leland James Wieschuegel	AUS920000945US1	4475
45993	7590	12/08/2009		
IBM CORPORATION (RHF) C/O ROBERT H. FRANTZ P. O. BOX 23324 OKLAHOMA CITY, OK 73123			EXAMINER MISIASZEK, MICHAEL	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 12/08/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/773,197	<b>Applicant(s)</b> WIESEHUEGEL ET AL.	
	<b>Examiner</b> MICHAEL MISIASZEK	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendments filed 9/22/2009 have been received and reviewed. The status of the claims is as follows:

Claims 1-4, 6-9, and 11-15 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-4, 6-9, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US 20030009392 A1) in view of Howell et al. (US 20070055615 A1, hereinafter Howell).**

#### Regarding Claims 1

Perkowski discloses a computer-implemented method comprising:

- providing a first database associated with a Sales Preparation System computer, said first database containing a plurality of descriptive information items about each of a plurality of products indexed to part numbers and to manufacturer identifiers (at least paragraph 23)
- providing a second database and computer separate from said first database and from said Sales Preparation System, said second database containing a plurality

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of descriptive information items about a plurality of products indexed to part numbers and to manufacturer identifiers (at least paragraph 23)

- establishing a plurality of dynamically updated links between said descriptive data items of said first database and said second database, and between said part numbers and said manufacturer identifiers, said dynamically updated links being automatically established by executing a synchronization script or program, said execution being triggered at a predetermined time or responsive to a predetermined event (at least paragraphs 31 and 47-49)
- promoting by said computer system and said synchronized Sales Preparation System contents to an online auction system responsive to authorization of said trader (at least paragraph 54)
- presenting via a user interface of a networked computer console to an Interactive Offer System said synchronized Sales Preparation System contents to one or more online bidders via said online auction system (at least paragraph 54)

Perkowski does not explicitly disclose:

- responsive to each time a request is received from a trader, a computer system automatically dynamically updating said links to most current descriptive information items, replacing links to older descriptive information items with links to most current descriptive information items, and adding links to most current descriptive information items which were not previously available;

Howell teaches that it is known to include automatically updating the contents of a database in response to a request of a trader (at least paragraph 20: database updated as result of trader requesting stock quote) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention, as taught by Perkowski, with the updating, as taught by Howell, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

Regarding Claims 6, 11

Claims 6 and 11 are substantially similar to claim 1 and are thus rejected on similar grounds.

Regarding Claims 2, 7, 12

Perkowski discloses:

- said predetermined time comprises a time determined according to a periodic basis (at least paragraph 85)

Regarding Claims 3, 8, 13

Perkowski discloses:

- said predetermined event comprises an event of a request for said descriptive information items in any of the repositories (at least paragraph 85)

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Regarding Claims 4, 9, 14

Perkowski discloses:

- providing a list to a user, said list having part numbers and dynamic links to said descriptive information items associated with listed part numbers (at least paragraphs 47, 55, 101)

Regarding Claim 15

Perkowski discloses:

- wherein said repository synchronizer creates a list of part numbers associated with dynamic links to said data items (at least paragraphs 47, 55, 101)

***Response to Arguments***

Applicant's arguments with respect to the Howell reference have been fully considered, but they are not persuasive. Applicant asserts that Howell is not a proper prior art reference because it is not a proper continuation of the Howell parent application (09/736707; PGPUB 2002/0077948). While the examiner recognizes that there are differences between the cited Howell reference and its parent application, the relevant material cited (the updating of databases in response to a request for a quote in paragraph 20 of cited Howell) is, indeed, present in the Howell parent. Paragraphs 21 and 22 of the Howell parent's PGPUB disclose updating of stock quote databases and creating new database entries when a user requests a quote. Accordingly, applicant's arguments to this point are not persuasive.

Applicant further asserts that Howell is silent to linked data, or updating links. However, as detailed in previous rejections, Perkowski discloses the claimed data links.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL MISIASZEK** whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/  
Supervisory Patent Examiner, Art  
Unit 3625

Michael A. Misiaszek  
Patent Examiner  
12/5/2009